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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,275

10/22/2003

Deborah A. Green

731301.1010

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24504 7590 08/28/2007
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EXAMINER

SAADAT, CAMERON

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,275

Applicant(s)

GREEN ET AL.

Examiner

Cameron Saadat

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/22/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 12-19, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Masters (US 6,572,377).

Regarding claim 1, Masters discloses an interior design system having a user interface configured to display a plurality of interior design components; and logic configured to receive a user selection of one of the components and display the selected component in the user interface, the logic further configured to receive a user input, via the user interface, the input related to a characteristic of the selected component. See Col. 4, line 55- Col. 5, line 30; Figs. 1-2.

Regarding claims 2 and 13, Masters discloses receiving a dimension selection from a user. See Col. 4, lines 55-67.

Regarding claims 3 and 14, Masters discloses logic configured to display in step 204, to the user interface a plurality of designs corresponding to fabric swatches, the logic further configured to receive as input from the user a desired fabric selection for the selected component. See Col. 5, lines 5-13; col. 8, lines 28-37; Fig. 6.

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Regarding claims 4 and 15, Masters discloses logic configured to display the components exhibiting the desired fabric selection. See Col. 5, lines 5-13; col. 8, lines 28-37; Fig. 6.

Regarding claims 5 and 16, Masters discloses logic configured to display a plurality of accessories and configured to receive from the user a desired accessory selection. See Col. 5, lines 5-13; col. 8, lines 28-37; Fig. 6.

Regarding claims 6 and 17, Masters discloses logic configured to display the desired accessory selection relative to a selected component. See Col. 5, lines 5-13; col. 8, lines 28-37; Fig. 6.

Regarding claims 7 and 18, Masters discloses a selected component that is a window and characteristics of the selected component are window treatments. See Col. 6, lines 48-51; Fig. 5, ref. 116.

Regarding claims 8 and 19, Masters discloses logic is further configured to receive at least one value indicative of dimensions relative to the window treatments. See Col. 4, line 64- col. 5, line 4.

Regarding claim 12, Masters discloses an interior design method, including the steps of: displaying a plurality of interior design components via a user; receiving a user selection of one of the components; displaying the selected component in the user interface; and receiving a plurality of user inputs from a user, via the user interface, the inputs related to characteristics of the selected component. See Col. 4, line 55- Col. 5, line 30; Figs. 1-2.

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Regarding claim 23, Masters discloses an interior design system, comprising: a display screen; a user interface comprising a workshop configured for display to the display screen; a template of interior design components configured for display in the workshop of the user interface; logic configured to receive measurement values, via the user interface, corresponding to a room for which design is contemplated, the measurement values corresponding to a plurality of dimensions relative to the room, the logic further configured to receive an input from a user related to a selected interior design component from the template, the logic further configured to display the component in the workshop corresponding to a position relative to the dimensions of the room. See Col. 4, line 55- Col. 5, line 30; Figs. 1-2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 9-11 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masters (US 6,572,377) in view of Schuller et al. (US 2001/0047250; hereinafter Schuller).

Masters discloses all of the claimed subject matter with the exception of explicitly disclosing (as per claims 9 and 20) calculating a value indicative of yardage related to the window treatments; (as per claims 10 and 21) calculating the cost in material for the window treatments; (as per claims 11 and 22) calculating a labor cost associated with the window treatments. However, Schuller teaches an interior design system, wherein the amount of materials needed for a project, and their cost can be calculated in order to help decorators provide cost estimates to clients. See Schuller, paragraph 47. Thus, in view of Schuller, it would have been obvious to one of ordinary skill in the art to modify the interior design system described in Masters, by providing a measurement of materials needed and its associated cost, in order to help decorators provide cost estimates to clients. Although Schuller does not explicitly disclose estimating labor costs, it is the examiner's position that it would have been obvious to and artisan to include labor costs in order to provide a more accurate estimate.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Thomas et al. (6,005,969) discloses a method for selecting floor coverings and other fabrics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cameron Saadat
Patent Examiner
AU 3714
August 24, 2007